

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:15CR 18-14
JUDGES SCHROEDER/CRAVEN

WHITNEY SMITH(14)

DEFENDANT'S SENTENCING MEMORANDUM

TO THE HONORABLE JUDGE OF SAID COURT:

Whitney Smith, Defendant, respectfully submits the following to this Honorable Court for consideration in arriving at a just and appropriate sentence in the above-styled matter.

As set forth in the Pre-sentence Investigation Report, Defendant's final offense level is 23 and the Defendant has a Category II criminal history. A sentence at the lower end of the guideline range is appropriate as set forth due to Defendant's limited criminal history and comparatively minor role in the criminal activity.

Defendant has served for many years in the community as a positive force. Attached as Exhibit "A" to this Memorandum are letters describing Defendant's good character and reputation.

WHEREFORE, Defendant prays that the Court follow the Recommended Sentence in the PSR and sentence Defendant to 60 months.

Respectfully submitted,

/s/Alwin A. Smith
Alwin A. Smith

TBN: 18532200
al@alwinsmith.com
602 Pine Street
Texarkana, Texas 75501
903/792-1608
903/792-0899 Fax

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Sentencing Memorandum has been forwarded to Mr. Ryan Locker, on this the 29th day of August 2016 by email.

/s/Alwin A. Smith
Alwin A. Smith

Alwin Smith

From: Smith, Jonie <j.g.smith@tcu.edu>
Sent: Wednesday, August 17, 2016 10:12 AM
To: al@alwinsmith.com
Subject: Whitney A. Smith

I'm Joan Good, Whitney Smith's 85 year old aunt (June Perkins' sister.) I wanted to send you my personal testimony regarding my niece.

Whitney has always been a compassionate person. Even as a child, she always seemed to be aware of the needs of others. Her grandparents lived with the Perkins family in their later years. As a teen, Whitney was the first to tend to their needs.

Whitney is a middle child, growing up between popular and precocious siblings. She sometimes had a rebellious attitude to cover up, in my opinion, a need for acceptance from peers. She basked in the acceptance she received from "losers" and "users", seemingly having aversion to the law.

In recent years Whitney was determined to change her life and become a respectable citizen. But as it happened, she became involved with a person who convinced Whitney that she, the "friend", had a need that perhaps Whitney could fulfil. Whitney's old desire for acceptance and meeting a need surfaced and she said "yes" instead of "no". You know the rest of the story.

I hope this is helpful. If there is any other information or assistance I can provide, please do not hesitate to contact me.

May God and the judge have mercy on her.

Sincerely,

Joan Shelton Good

EXHIBIT "A"

August 23, 2016

To Whom It May Concern:

This letter is in regards to Whitney Ann Perkins Smith. Whitney is my cousin. I have always been close to her. I use to baby sit her and her 2 siblings a lot when they were young, as I'm 13 years older than she is.

I've seen her struggles and watched, sometimes from afar, as she made choices I could not be a part of. I moved to Dallas in 2005. I moved back to this area in 2013 and reconnected with Whitney.

I truly enjoyed being around her. She was the Whitney I loved from long ago, bubbly personality, kind and tender hearted, to a fault sometimes. I realized she had really changed. She wanted to make things right with her past mistakes and even paid me back for a loan from over 15 years ago.

Whitney helps with her elderly mother a lot, she has an autistic son that she is amazing with and who needs her. She has two other sons, a grandson and a huge support system and I pray she will be able to come home soon.

Sincerely,


Scarlett Parker

August 22, 2016

To Whom It May Concern:

I have known Whitney Ann Perkins Smith all my life. When I was young, I spent a lot of time at her house. Her mother and my grandmother are sisters which makes us cousins. During the summer months, I practically lived with them. I always enjoyed being with her and her siblings.

As we grew older, we remained very close. She was in my wedding, I was there when her first child was born, etc. We even did drugs together for awhile and associated with the same people, the same life style.

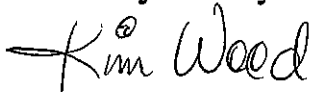
We grew apart over time, as we became busy raising families and growing older. I didn't want to live that way any longer. I remained close to her mother and kept up with Whitney and her children through her.

Over the past 5 years, I have seen Whitney change tremendously. She is a good mother, she is a hard worker and I truly believe she has become the woman we have all prayed for.

I believe the classes she completed through the court really helped her see the changes that needed to be made and equipped her to make those changes. I have seen her helping her elderly mother, spending quality time with family and being a wonderful mother to her boys.

Whitney has always been a very personable, outgoing person. She has a tendency to let people manipulate her soft heart. I do not believe any more time in jail will benefit anyone.

Thank you for your time and attention in this matter.

A handwritten signature in cursive script that reads "Kim Wood". The signature is written in dark ink and is positioned above the printed name.

Kim Wood

To the Honorable Judge of the Court:

These are my thoughts about my daughter Whitney. Her life has been a variety of ups and downs to where she is today.

Whitney was a sweet well-adjusted happy child, with one brother two and a half years older than her and a sister sixteen months younger than her. She was a loving, thoughtful child. She was especially affectionate to her grandparents and very considerate of older people. Whitney accepted Christ as her personal savior at the age of nine, having been in Highland Park Baptist Church since she was an infant.

In junior high school, she was in the band and played the flute and the alto saxophone. She also played the piano very well. At a young age, Whitney learned to embroidery and taught herself to knit and do needle point. I have beautiful pieces Whitney has done for me. She also has done drawings and art work for family members throughout the years.

While in junior high, Whitney was on the swim team, competed in swim meets, and did very well. We were very proud of her and her accomplishments, but the experience had a sad ending. Two male teammates wrote very hurtful remarks about her in our driveway at our home one night. Whitney's self-esteem had always been lacking—which we did not understand—but it reached a new low at that point. Her struggles with her self-esteem continued throughout her teenage years and beyond. Whitney was a tenderhearted and giving young lady, but she had a strong desire to be liked by others.

In high school, Whitney was involved in the pep squad, but her self-esteem remained low. At some point in high school, she met a young man and he became her first boyfriend. This was a disaster for her and her self-esteem because he used and abused her. He stole from her and from our family. After this experience, her self-esteem had dropped to an all-time low.

After finishing high school, Whitney chose to get a job rather than go to college and the same was true with her friends. She had some good paying jobs and others that were not so good. Trying to fit in and be liked by her friends that did not have her best interests in mind was a problem that she had then and a problem that she has had all of her life.

In 1985, Whitney met a young man that she believed to be the one for her and he seemed to feel ^{the same} way. In 1987, they had a son together. When Whitney could go back to work, her father and I helped her open a video rental store. The video store did very well and was growing business until a large franchise video rental business came to Texarkana. After some time, the business started ^{to} decline and she decided to close the store.

As time passed, the child's father was not ready to settle down, nor was he much of a father. Whitney decided to move out and started living on her own again. She had several good paying jobs, but not enough to support her and her child. When her son was four years old, Whitney and I went to court and I was made his Managing Conservator. My grandson continued to live with me until he finished college. He is now 29 years old, has graduated from law school, and is a practicing attorney. We are very proud of him and Whitney is still a part of his life.

Whitney is the mother to two more sons that were born unto her later in her life. Her second child is 17 years old being born in January of 1999 and her youngest child is 16 years old being born in June of 2000. She was a stay at home mom until both boys had been in school for several years. Both boys are now in their senior and junior years at two different local high schools. Both boys had close relationships with their mother and need her in their lives very much at this time. The youngest child is especially in need of his mother's support and comfort as he has a form of autism and has always been very reliant on her.

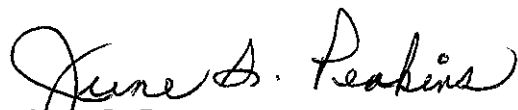
Whitney has always been in and out of a job her entire life. She has worked various jobs including a temporary stint at Red River Army Depot, distributing goods and products to local and regional stores, and has been employed by Super One Foods and Oak Grove Golf Course. However, most recently, she started a home improvement business and was operating that until her arrest last fall. She laid flooring and tile, put up wallpaper~~ed~~ and sheetrock, and did interior painting. She did work both for individuals and businesses.

Whitney's self-esteem had really started to improve as she saw her children grow and after she finally found a job that she not only was good at, but enjoyed. I noticed such an improvement in her life over the last few years and I was so happy for her. This most recent incident has put her life on hold, but I know that she was headed on the right path in her life when she was arrested.

Her children and I need her and love her very much. Her youngest children are getting ready to graduate high school and I just turned 84 years old in July. I have always been very ^{to} dependent, but the years are catching up with me. In Whitney's absence, I have tried my best to be there and help her children, especially her autistic child who has a hard time getting by without her. I not only want Whitney home as soon as possible, but I need her home.

We all pray that Whitney's confinement be on the lower end of the scale.

Thank you and God bless.


June S. Perkins

your honor

I'm Zachery Smith, 17 years old, senior at Texas High School and Whitney Smith's son.

My mother has been there for my brother and I anytime we have ever needed anything. Without her in my life now things just don't feel the same at all, something is missing, and it's my mom. She is a very good person but she can get off track very easy by trying to make friends with everyone and some of those people turn out to be the wrong ones. The whole family can always depend on Whitney and she would do anything in her will to help someone out that is struggling.

Everyone in the family needs and wants her to be back at home where she belongs.

Zachery Smith